

REMARKS / ARGUMENTS

Claims 1, 3, 4, and 6-12 are pending in this application. By this Amendment, Applicants amend claims 1, 3, and 4 and cancel claims 2 and 5.

Applicants appreciate the Examiner's indication that claims 2-4 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claims 1 and 5-12 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly not enabling one of ordinary skill in the art to use the invention commensurate in scope with the claims. The Examiner alleged that the specification does not reasonably provide enablement for the claimed process step of "producing a compound phase ..." as recited in the last three lines of claim 1 and in claim 5. In particular, the Examiner alleged that the last three lines of claim 1 encompass any and all methods of treating the solidified alloy so as to provide the recited crystal structure.

Although Applicants do not necessarily agree with the rejection of claim 1, Applicants have amended claim 1 to include the features of allowable claim 2 which is clearly enabled by Applicants' originally filed specification. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 112, first paragraph.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have canceled claim 5. Accordingly, Applicants respectfully submit that the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, is moot.

Applicants have amended claim 1 to incorporate the features of allowable claim 2.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claim 1 is allowable. Claims 3, 4, and 6-12 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit

that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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